

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HIGH OFF LIFE, LLC

Plaintiff

Case No. 2:20-cv-1556-WSH

v.

FREEBANDZ PRODUCTIONS, LLC and
SONY MUSIC HOLDINGS, INC.

Defendants.

NOTICE TO COURT OF NON PAYMENT

In accordance with this Honorable Court's Order Referring Case to Alternative Dispute Resolution, dated July 15, 2022, Court Document 46 (the "Order"), the undersigned Mediator hereby reports Plaintiff's failure and refusal to make payment for the mediation conference held in this cause on July 20, 2022, and states as follows:

1. The Report of Mediation Conference was filed with the Court on July 27, 2022, as required by Local Rules, reporting that, as of that date, the case had not resolved. No charges have been made by the Mediator subsequent to the date of filing the Report of Mediation Conference.
2. Promptly thereafter, the Mediator's Statement for Services was sent to each party. A copy of the Mediator's Invoice to Plaintiff, High Off Life, LLC dated July 31, 2022 is attached as Exhibit A.

3. The parties continued discussions thereafter based on the progress made at the mediation, which discussions continue to the date of this filing. The mediator has maintained contact with the parties, but has not been actively involved in the ongoing discussions.
4. Both parties made the required advance retainer payment to secure the mediation date, and each presently owes an outstanding balance of \$3,399.94 to cover the balance of charges for hours spent in connection with the mediation.
5. Counsel for the Plaintiff advised that the Plaintiff would not pay the balance of the amount due. The exchange of communications between Plaintiff's counsel and the undersigned Mediator with respect to the charges entered and Plaintiff's refusal to make payment are attached as Composite Exhibit B.
6. The undersigned's communication with counsel began in June 2022. There were no charges for time until July 6, 2022 when the undersigned discussed substantive details regarding the pre-mediation conferences with counsel and approved counsel's request for an extension of time to provide materials. The final billing entry was for the mediation report filed with this Court on July 20, 2022 as required by Local Rules.
7. The obligation to make payment for services was acknowledged by Plaintiff's counsel in the attached Mediation Agreement, signed on behalf of the Plaintiff on July 20, 2022. Exhibit C.
8. The Order states at paragraph (a) that

Compensation of the neutral will be apportioned equally between the parties: 50% by Plaintiff and 50% by Defendant... Compensation shall be paid directly to the neutral upon the conclusion of the ADR process. Failure to pay the neutral shall be brought to the attention of the Court.

9. The undersigned would be pleased to provide any additional information the Court may require.

WHEREFORE, in compliance with the Order, the undersigned Mediator, reports to the Court the refusal of High Off Life, LLC to make payment, and respectfully requests that the Court, prior to the dismissal of the within case, will direct High Off Life, LLC to make payment in the full amount of its share of the balance of fees associated with the mediation in the total amount of \$3,399.94, or in the alternative, will order that this case not be dismissed until receipt of such payment.

Dated: September 15, 2022

Respectfully submitted,

LOTT & FISCHER, PL
s/Leslie J. Lott

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